

REMARKS

Claims 1-2, 4-5, 7-11, 13-14, 16-17, 19-23, 25, 27-28 and 30-32 have been amended. Claim 12 has been cancelled. Claims 33-34 are newly submitted. No new matter has been added. Claims 1-11 and 13-34 are pending. Reconsideration of the Official Action mailed December 3, 2003 is respectfully requested in view of the amendments to the claims and the following remarks.

Claims 1-3, 8-15, 20-26, 31 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,655,081 ("Bonnell").

Claims 4-7, 16-19 and 27-30 stand rejected under 35 USC § 103(a) as being unpatentable over Bonnell in view of *Infrastructure for Advanced Network Management based on Mobile Code* ("Susilo").

As described in the specification at page 5, lines 1-4, "[t]raditionally, an NMS (network management system) will send network commands to the network devices and, in return, receive input from the network devices, including network parameters. This traditional approach to network management requires [an] NMS to perform a majority of the processing for network management."

The applicant respectfully submits that Bonnell describes such a traditional system, disclosing the use of network management systems (consoles) for managing resources present on computer systems in a network. (See Col. 6, ll. 61-67.) An agent software system is installed on and runs on each of the server computer systems in the network. Each respective agent software system monitors particular parameters associated with the resources and applications present on the computer system in which it is installed, and provides these parameter to consoles based on the consoles' respective registrations. (Col. 7, ll. 1-31.)

Amended claim 1 recites a system for managing network resources. The system includes a network management server that requests that a network device execute a network management instruction including performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets received from the one or more network devices.

The applicant respectfully submits that Bonnell neither teaches nor suggests a system for managing network resources that includes a network management server that requests that a network device execute a network management instruction including performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets received from the one or more network devices, as required by claim 1.

Instead, as described above, Bonnell discloses the use of network management systems (consoles) for managing resources present on computer systems in a network. The agent software running on a computer system does not perform any analyses regarding use of network resources, rather the agent software provides only status to consoles.

Bonnell does disclose that an agent can be used as a collector (col. 14, ll. 50-64). However, such a collector only acts as a collector of status information (or events) that is used by higher level consoles (col. 7, ll. 51-55).

Bonnell fails to disclose a system for managing network resources that includes a network management server that requests that a network device execute a network management instruction including performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets received from the one or more network devices, as required by claim 1.

Nor does Bonnell in combination with Susilo teach or suggest the particular solution offered by the applicant, i.e., a network management server that requests that a network device execute a network management instruction including performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets received from the one or more network devices.

Therefore, the applicant respectfully submits that independent claims 1, 11, 22, 31 and 32 (and the claims that depend therefrom) are not anticipated nor rendered obvious by the cited art and should be in condition for allowance.

If a telephonic interview would be helpful, the Examiner may call the undersigned below at the Examiner's convenience.


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Enclosed is an \$18.00 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 02-26-04



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